

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:18-cr-00057

BRYAN LEE OGLE,

ORDER

At a hearing held on July 27, 2020, the defendant, Bryan Lee Ogle, appeared in person and by counsel, Paul Stroebel, for the purpose of the defendant's plea to count one of the Superseding Indictment filed against him. The United States was represented at the hearing by Jeremy Wolfe, AUSA.

The court inquired of the defendant, both personally and through counsel, to determine the defendant's competency. The court found the defendant competent and capable of entering an informed plea.

The court then read to the defendant the charge contained in the Superseding Indictment. The court inquired as to the defendant's plea. The defendant then pleaded guilty.

The court then read the pertinent portion of 18 U.S.C. §§ 922 (g) (1) and 924 (a) (2). The court explained the elements that the United States would have had to prove had this matter gone to trial. After hearing and considering the defendant's explanation of why he considered himself guilty and hearing evidence from the United States about what it would have been able to prove at trial, the court found that there was a sufficient factual basis for the defendant's plea of guilty.

The court further informed the defendant, pursuant to the requirements of Fed. R. Crim. P. 11(c)(1), of the nature of the charge and of the consequences of pleading guilty to the charge. After explaining thoroughly these items and after hearing and considering the defendant's responses to the court's questions, the court found that the defendant understood the nature of the charge and the consequences of pleading guilty.

The court further informed the defendant, pursuant to the requirements of Fed. R. Crim. P. 11(c)(3), (c)(4), of the constitutional and other legal rights that the defendant was giving up by pleading guilty. After explaining thoroughly these items and after hearing and considering the defendant's responses to the court's questions, the court found that the defendant understood his constitutional and other legal rights.

The court further inquired of the defendant, pursuant to the requirements of Fed. R. Crim. P. 11(d), to insure that the defendant's plea was voluntary. After hearing and considering the defendant's responses to the court's questions, the court found that the defendant's plea was voluntary.

The defendant further executed a written plea of guilty which was witnessed by his counsel and ordered filed by the court. The court accepted the defendant's plea. Accordingly, the court **ADJUDGES** the defendant, Bryan Lee Ogle, guilty, and the defendant now stands convicted of violating 18 U.S.C. §§ 922 (g) (1) and 924 (a) (2).

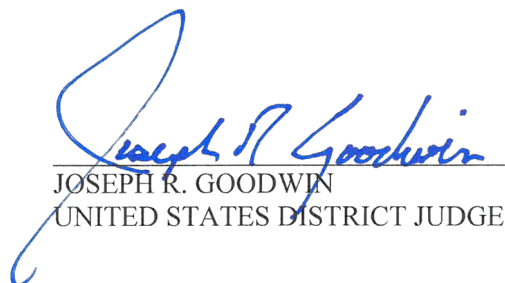
The court **ORDERS** that the Probation Office prepare and forward a draft presentence report to the United States and counsel for the defendant no later than **September 10, 2020**; that the United States Attorney and counsel for the defendant file objections to the draft presentence report no later than **September 24, 2020**; that the Probation Office submit a final presentence report to the court no later than **October 8, 2020**; and that the United States and counsel for the

defendant file a sentencing memorandum no later than **October 15, 2020**. In their respective sentencing memoranda, the court **ORDERS** the United States and counsel for the defendant to offer any evidence or argument related to a requested sentence or sentencing range in light of *Gall v. United States*, 552 U.S. 38 (2007). The court **SCHEDULES** final disposition of this matter for **October 22, 2020 at 2:00 p.m.**

The court **ORDERS** the defendant detained pending sentencing. The court **DIRECTS** that the defendant be committed to the custody of the United States Marshal for confinement. The court further **DIRECTS** that the defendant be afforded reasonable opportunity for private consultation with counsel. Finally, the court **DIRECTS** that, on order of a court of the United States or on request of an attorney for the United States, the person in charge of the correction facility in which the defendant is confined deliver the defendant for the purpose of an appearance in connection with court proceedings.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: July, 27, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE